

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Olga Bentin	Team: Squad #4	CCRB Case #: 201902971	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 03/29/2019 3:40 PM	Location of Incident: front of § 87(2)(b)	Precinct: 104	18 Mo. SOL 9/29/2020	EO SOL 5/16/2021	
Date/Time CV Reported Fri, 03/29/2019 5:31 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/05/2019 11:13 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Richard Charles	03186	939991	NARCBQN
2. An officer			NARCBQN
3. DT3 Wayne Costello	1159	950244	NARCBQN
4. SGT Joel Edwards	03692	936544	NARCBQN
5. DT3 Michael Johnston	5203	946500	NARCBQN
6. DT3 Curt Thomas	5984	934296	NARCBQN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Kaisser Surriga	1862	946303	NARCBQN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Michael Johnston	Abuse: Detective Michael Johnston stopped § 87(2)(b)	§ 87(2)(b)
B.DT3 Richard Charles	Abuse: Detective Richard Charles stopped § 87(2)(b)	§ 87(2)(b)
C.DT3 Michael Johnston	Force: Detective Michael Johnston used physical force against § 87(2)(b) § 87(2)(b)	§ 87(2)(b)
D.DT3 Richard Charles	Force: Detective Richard Charles used physical force against § 87(2)(b) § 87(2)(b)	§ 87(2)(b)
E. An officer	Abuse: An officer searched § 87(2)(b) § 87(2)(b)	§ 87(2)(b)
F.DT3 Michael Johnston	Abuse: Detective Michael Johnston searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
G.DT3 Richard Charles	Abuse: Detective Richard Charles searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
H.SGT Joel Edwards	Abuse: Sergeant Joel Edwards searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
I.DT3 Wayne Costello	Abuse: Detective Wayne Costello searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
J.DT3 Curt Thomas	Abuse: Detective Curt Thomas searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
K.DT3 Michael Johnston	Abuse: Detective Michael Johnston questioned § 87(2)(b)	§ 87(2)(b)
L.DT3 Michael Johnston	Abuse: Detective Michael Johnston failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
M.DT3 Richard Charles	Abuse: Detective Richard Charles failed to provide § 87(2)(b) with a business card.	
N.SGT Joel Edwards	Abuse: Sergeant Joel Edwards failed to provide § 87(2)(b) with a business card.	
O.DT3 Wayne Costello	Abuse: Detective Wayne Costello failed to provide § 87(2)(b) with a business card.	
P.DT3 Curt Thomas	Abuse: Detective Curt Thomas failed to provide § 87(2)(b) with a business card.	
§ 87(2)(g), § 87(4-b)		

Case Summary

On March 29, 2019, Sgt. Stephen Sventoraitis, of the 104th Precinct, contacted the IAB Command Center and stated that he received a call from § 87(2)(b) § 87(2)(b) who then filed a complaint on behalf of his son, § 87(2)(b) § 87(2)(b). On April 5, 2019, this complaint was received at the CCRB. § 87(2)(b) § 87(2)(b) did not witness this incident.

On March 29, 2019, at approximately 3:40 p.m., Sergeant Joel Edwards, Det. Michael Johnston, Detective Richard Charles, Detective Wayne Costello, Det. Kaiser Surriga, Det. Thomas, and several other detectives from Narcotics Borough Queens North conducted buy-and-bust operations at the McDonald's parking lot located at § 87(2)(b) § 87(2)(b) in Queens. Det. Johnston and Det. Charles stopped § 87(2)(b) § 87(2)(b) while he was sitting in his parked vehicle within the parking lot (**Allegations A and B: Abuse of Authority**, § 87(2)(g) Det. Johnston and Det. Charles pulled § 87(2)(b) § 87(2)(b) out of the vehicle and brought him down to the ground (**Allegations C and D: Force**, § 87(2)(g) An unidentified officer searched § 87(2)(b) § 87(2)(b) (**Allegation E: Abuse of Authority**, § 87(2)(g) Det. Johnston, Det. Charles, Sgt. Edwards, Det. Wayne Costello, and Det. Curt Thomas searched § 87(2)(b) § 87(2)(b) s vehicle (**Allegations F – J: Abuse of Authority**, § 87(2)(g) Det. Johnston questioned § 87(2)(b) § 87(2)(b) (**Allegation K: Abuse of Authority**, § 87(2)(g) § 87(2)(b) § 87(2)(b).

Det. Johnston, Det. Charles, Sgt. Edwards, Det. Costello, and Det. Thomas did not provide their business cards to § 87(2)(b) § 87(2)(b) (**Allegations L, M, N, O and P: Abuse of authority**, § 87(2)(g) § 87(2)(g), § 87(4-b)

§ 87(2)(b) § 87(2)(b) was not arrested or summonsed as a result of this incident.

The investigation obtained surveillance footage from the McDonald's parking lot, which is location in and can be viewed from Investigative Action #22.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Michael Johnston stopped § 87(2)(b) § 87(2)(b)

Allegation (B) Abuse of Authority: Detective Richard Charles stopped § 87(2)(b) § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) § 87(2)(b) (BR 01) stated that on March 29, 2019, at approximately 3:30 p.m., he left his job at § 87(2)(b) § 87(2)(b) to get lunch at McDonald's. § 87(2)(b) § 87(2)(b) was alone. § 87(2)(b) § 87(2)(b) drove a navy blue 2018 Honda SUV. § 87(2)(b) § 87(2)(b) arrived at McDonalds, went through the drive-thru, and ordered food. § 87(2)(b) § 87(2)(b) then drove to the parking lot and pulled into a parking spot. He left the SUV's engine on. § 87(2)(b) § 87(2)(b) ate, listened to music, and watched videos on his cell phone.

§ 87(2)(b) § 87(2)(b) has Type 1 diabetes and carries an emergency supply of insulin injections (syringes) and an insulin measuring device in a black shoulder bag. The syringes and insulin vial are not labeled. The shoulder bag (approximately six inches by eight inches) was closed and on the front passenger seat. § 87(2)(b) § 87(2)(b) denied using or removing the syringes from the bag, but might have measured his glucose level with the device prior to consuming his lunch. § 87(2)(b) § 87(2)(b) also had approximately five or six loose Livelo and Vascepa capsules in his left front pants pocket. The Livelo capsules are white and have "KC" engraved on them. The Vascepa

capsules are blue and have “Vascepa” engraved on them. Both medications were prescribed to § 87(2)(b) to treat his cholesterol and triglycine levels. There were also between 10 and 20 loose Creon capsules in a clear ZipLoc bag in the center console. The Creon capsules are red and blue, have no inscriptions, and belong to his father. The center console was closed.

Approximately ten minutes later, Det. Johnston approached, knocked on the front driver side window, and asked to speak with § 87(2)(b). § 87(2)(b) rolled down the window and asked what happened. Det. Johnston displayed his shield, identified himself as an officer, and said that he received a call regarding narcotics in a blue car in that area and wanted to ask § 87(2)(b) a few questions. § 87(2)(b) replied that he did not know what Det. Johnston was talking about and did not feel comfortable and proceeded to roll up his window. Det. Johnston said, “Hey, what are you doing?” Det. Johnston opened the driver side door, grabbed § 87(2)(b) by his left or right shoulder, and pulled him out of the SUV.

§ 87(2)(b) did not make any statements about having a canister of mace or pepper spray in the SUV at the time of the incident.

The surveillance footage (BR 05) obtained from the McDonald’s parking lot, does not contain an audio component. At 00:08 minutes, § 87(2)(b) arrives at the parking lot and parks his navy-blue Honda SUV on the left. It is unclear what § 87(2)(b) is doing in the vehicle. At 1:18 minutes, a silver sedan operated by Det. Surriga and Det. Thomas drives past § 87(2)(b)’s vehicle and parks four parking spots to the left of § 87(2)(b)’s SUV. § 87(2)(b) remains in his SUV for approximately 12 minutes. It is not visible what he is doing inside. No one approaches § 87(2)(b)’s SUV. At 12:12 minutes, a black sedan, operated by Det. Charles and Det. Johnston, drives into the camera angle from the right and pulls up in the parking stop to the right of § 87(2)(b)’s SUV. At 12:26 minutes, Det. Johnston and Det. Charles exit the black sedan. Det. Johnston walks over to § 87(2)(b)’s front driver side. Det. Charles approaches the front passenger side. At 13:09 minutes, Det. Charles walks over to Det. Johnston. It is unclear what is going on between the detectives and § 87(2)(b). At 13:21 minutes, Det. Charles opens the front driver side door of § 87(2)(b)’s SUV. It appears Det. Charles and Det. Johnston attempt to pull § 87(2)(b) from the vehicle. Almost simultaneously, the silver sedan pulls out from the parking spot and stops by the rear of § 87(2)(b)’s SUV. Det. Surriga and Det. Thomas exit and rush towards Det. Johnston and Det. Charles. Another dark blue sedan arrives and two plainclothes officers, whom the investigation was unable to identify, exit and run towards Det. Johnston and Det. Charles.

Det. Johnston (BR 06) stated that he, Det. Charles, Sgt. Joel Edwards, Det. Surriga, Det. Thomas, and several other detectives from Narcotics Borough Queens North, gathered for a tactical plan meeting to discuss the buy-and-bust operation scheduled to take place at the McDonald’s parking lot. Det. Johnston and Det. Charles arrived and parked their black sedan west and midway of the McDonald’s drive-thru. Det. Johnston noticed § 87(2)(b)’s SUV parked one spot away from them. § 87(2)(b) was sitting in the SUV with the engine running and checking his cell phone. § 87(2)(b) had nothing to do with their operation and he was not the primary target. Undercover officers walked around the parking lot for approximately 30 minutes, without selling or buying anything. Det. Johnston and Det. Charles moved their vehicle several times and changed parking spots, while waiting for the undercover officers to give them a signal of a positive buy or sell. During the operation, Det. Johnston had a clear view of § 87(2)(b) and his SUV. Det. Johnston did not see § 87(2)(b) eat McDonald’s or any other food at any point. It appeared strange to Det. Johnston that § 87(2)(b) spent 30 minutes in the parking lot with the vehicle’s engine running without eating any food. Det. Johnston decided

to approach § 87(2)(b)'s SUV prior to leaving and see what he was doing. Det. Johnston did not communicate his observations to Sgt. Edwards or any other member of his team.

Det. Johnston approached the driver side of § 87(2)(b)'s vehicle. Det. Charles approached the front passenger side. The driver side window was rolled down. Det. Johnston noticed a black canister of mace or pepper spray (approximately three or four-inches long and approximately one-inch wide) on § 87(2)(b)'s right side. The canister was either on the seat or in the center console area, but it was within § 87(2)(b)'s reach. Based on Det. Johnston's prior training and experience, the black canister was illegal to carry. Det. Johnston looked over and heard Det. Charles say, "Have him step out of the vehicle, please." Det. Johnston then looked down onto the front passenger seat and saw approximately three or four loose syringes and a clear sandwich bag containing approximately five or six loose capsules. The capsules were clear and contained a greenish substance. Based on his training and experience, Det. Johnston believed that the capsules were "molly," a hallucinogenic drug. Det. Johnston did not see a black shoulder bag on the front passenger seat. Det. Johnston asked § 87(2)(b) to step out of the vehicle. § 87(2)(b) asked why. Det. Johnston again asked § 87(2)(b) to step out. § 87(2)(b) replied said no and pressed the button to roll up the driver side window. § 87(2)(b) then reached for the gear shift, as if he was ready to drive away. Before § 87(2)(b) could completely roll up his window and make a potentially dangerous situation for everybody, Det. Johnston placed his left or right arm through the opening in the window, opened the driver side door, and told § 87(2)(b) to exit the vehicle. § 87(2)(b) replied, "No, stop."

§ 87(2)(g) Right before their operation concluded, Det. Johnston told Det. Charles that he wanted to approach § 87(2)(b)'s SUV to investigate. Det. Charles also noticed the small clear Ziploc bag containing several loose capsules which were brownish and circular, and believed they were "molly." Det. Charles also saw approximately two hypodermic needles on the front passenger seat next to the Ziploc bag. Det. Charles denied seeing a black shoulder bag on the front passenger seat. Det. Charles did not see a canister of mace/pepper spray, but towards the end of the incident, Det. Johnston told Det. Charles that he saw it in the SUV upon initial approach.

The right of the police officer to approach a stationary or parked vehicle is analogous to the right to approach a citizen on a street to request information, and must be based on an articulable reason not necessarily indicative of criminality. People v. Harrison, 57 N.Y. 2d 470 (1982) (BR 15) To stop an individual, an officer must have a reasonable suspicion to believe that the person is committing, has committed, or is about to commit a crime. People v. DeBour, 40 N.Y. 2d 210 (1976) (BR 16)

§ 87(2)(b), § 87(2)(g)

Allegation (C) Force: Detective Michael Johnston used physical force against § 87(2)(b)

§ 87(2)(b)

Allegation (D) Force: Detective Richard Charles used physical force against § 87(2)(b)

§ 87(2)(b)

It is undisputed that Det. Johnston and Det. Charles used force against § 87(2)(b). § 87(2)(b) stated that after pulling him out of the SUV, Det. Johnston grabbed § 87(2)(b)'s arms and pulled them down. § 87(2)(b) yelled for help, stiffened his body, and tried to stand up, but he denied resisting in any other manner. Det. Charles, Det. Thomas, and Det. Surriga approached seconds later, but none of them assisted Det. Johnston. Det. Johnston then placed his right or left leg in front of § 87(2)(b)'s left leg and brought him to the ground. § 87(2)(b) hit his face when he fell on the ground, which caused a small cut to his lower lip. § 87(2)(b) got onto his knees, resulting in scrapes to both knees. Det. Johnston placed his knee on § 87(2)(b)'s back, brought § 87(2)(b)'s hands behind his back, and handcuffed him.

§ 87(2)(b) did not seek medical treatment, but provided the investigation with several photographs depicting the injuries to his knees (BR 03) and lower lip (BR 04).

The surveillance footage (BR 05) obtained from the McDonald's parking lot, does not contain an audio component. Between 13:30 and 13:38 minutes, Det. Charles and Det. Johnston attempt to pull § 87(2)(b) from the vehicle and there is some struggle. § 87(2)(b)'s SUV appears to move/shake during this struggle. Det. Surriga, Det. Thomas, and the other two officers surround Det. Charles and Det. Johnston, covering them from the camera's view. The video does not capture § 87(2)(b). It appears that Det. Charles brings § 87(2)(b) to the ground. Det. Johnston, Det. Thomas, Det. Surriga, and the other two officers assist Det. Charles. It is unclear what exactly they do. The video does not capture how § 87(2)(b) lands on the ground, because the camera's view is obstructed by a red SUV. Between 14:03 and 16:13 minutes, Det. Surriga lifts § 87(2)(b) off the ground. He is rear-cuffed. Det. Surriga then walks § 87(2)(b) to his vehicle.

Det. Johnston stated that before § 87(2)(b) could completely roll up his window and make a potentially dangerous situation for everybody, Det. Johnston placed his left or right arm through the opening in the window, opened the driver side door, and told § 87(2)(b) to exit the vehicle. § 87(2)(b) replied, "No, stop." Det. Charles then approached to assist Det. Johnston. Det. Johnston and Det. Charles grabbed § 87(2)(b)'s left shoulder and pulled him out of the vehicle within several seconds. § 87(2)(b) pulled away and moved his shoulder backwards, but otherwise did not offer any other resistance. Det. Johnston and Det. Charles brought § 87(2)(b) to the ground. § 87(2)(b) landed on his knees and then on his stomach. Det. Johnston did not remember if any other officers assisted them. § 87(2)(b) was then handcuffed and lifted off the ground. Det. Johnston did not observe any visible injuries to § 87(2)(b)'s lower lip or his knees. The Stop Report and the Threat, Resistance, and Injury Reports (BR 07 and BR 08) prepared by Det. Johnston for this incident were consistent with his testimony. The Stop Report states that there were visible needles and pills inside § 87(2)(b)'s vehicle.

Det. Charles acknowledged assisting Det. Johnston by grabbing § 87(2)(b) by his arms or upper body and pulling him out of the vehicle. § 87(2)(b) pulled away and flailed his arms. Det. Charles did not observe any visible injuries on § 87(2)(b) nor did he hear him complain of any pain or injuries. The Threat, Resistance, and Injury Report (BR 10) prepared by Det. Charles is generally consistent with testimony.

Patrol Guide Procedure 221-01 (BR 17) states that an officer may apply no more than the reasonable force necessary to gain control of a subject or to effect an arrest.

§ 87(2)(b), § 87(2)(g)

Allegation (E) Abuse of Authority: An officer searched § 87(2)(b) § 87(2)(b)

The investigation was unable to identify the officer that searched § 87(2)(b) § 87(2)(b). § 87(2)(b) (BR 01) stated that after being handcuffed and lying face down on the ground, one of the detectives, whom § 87(2)(b) § 87(2)(b) could not see, reached into both of § 87(2)(b) § 87(2)(b)'s front pants pockets and removed his cell phone, wallet, and the medication.

Det. Johnston (BR 06), Det. Charles (BR 09), Det. Surriga (BR 11), and Det. Thomas (BR 12) denied searching § 87(2)(b) § 87(2)(b)'s pants pockets. Due to the quality of the video (BR 05) and a vehicle obstructing the view of § 87(2)(b) § 87(2)(b) and the officers, it is unclear whether any officer searched § 87(2)(b) § 87(2)(b).

According to the Stop Report (BR 07) prepared by Det. Johnston, § 87(2)(b) § 87(2)(b) was neither frisked nor searched.

§ 87(2)(b), § 87(2)(g)

Allegation (F) Abuse of Authority: Detective Michael Johnston searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (G) Abuse of Authority: Detective Richard Charles searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (H) Abuse of Authority: Sergeant Joel Edwards searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (I) Abuse of Authority: Detective Wayne Costello searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (J) Abuse of Authority: Detective Curt Thomas searched the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that Det. Johnston, Det. Charles, Sgt. Edwards, Det. Thomas, and Det. Costello searched § 87(2)(b) § 87(2)(b)'s vehicle.

The video evidence (BR 05) shows Det. Johnston, Det. Charles, Sgt. Edwards, Det. Costello, and Det. Thomas enter and search § 87(2)(b) § 87(2)(b)'s vehicle at different points between 13:41 and 26:44.

Det. Johnston (BR 06), Det. Charles (BR 09), Sgt. Edwards (BR 13), Det. Costello (BR 14), and Det. Thomas (BR 12) stated that they searched § 87(2)(b) § 87(2)(b)'s vehicle because of the contraband that was in plain view.

Det. Charles (BR 09) stated that he entered the front passenger side of the vehicle and removed the zip lock bag and the hypodermic needles. Det. Charles used the "pill identifier" application on his cell phone to check what the capsules were. Approximately five to ten minutes later, the check revealed that the capsules were "Vacepta," used for diabetes. Det. Charles

informed Det. Johnston that the capsules were diabetic medication. Det. Charles did not remember if he told Sgt. Edwards that the capsules were not a controlled substance.

Sgt. Edwards (BR 13) stated that Det. Charles told Sgt. Edwards what had happened. Sgt. Edwards acknowledged searching § 87(2)(b)'s vehicle even after Det. Charles relayed to him that the capsules were not a controlled substance and stated that he did so due to the illegal mace canister. Sgt. Edwards did not tell Det. Costello or any other detective about the outcome of Det. Charles' investigation of the capsules. Sgt. Edwards then spoke to § 87(2)(b). § 87(2)(b) told Sgt. Edwards that he uses needle, because he is diabetic. Sgt. Edwards used his discretion and released § 87(2)(b). § 87(2)(b)

Det. Johnston, Det. Charles, and Sgt. Edwards were interviewed by Sgt. Chen, from the Detectives Bureau Investigation Unit (DBIU), regarding this incident. They provided generally consistent accounts with that of their CCRB testimonies (BR 22).

Under the automobile exception of the warrant requirement, a warrantless search of a vehicle is permitted when the police have probable cause to believe that the vehicle contains contraband, a weapon, or evidence of a crime. People v. Vargas, 89 A.D. 3d 771 (2nd Dept. 2011) (BR 28).

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b).

Allegation (K) Abuse of Authority: Detective Michael Johnston questioned § 87(2)(b)

§ 87(2)(b)
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b) (BR 01) stated that after being handcuffed and placed in a vehicle, Det. Johnston approached and asked him, "Do you have a criminal record?" and, "Have you ever done drugs before?" § 87(2)(b) replied no to both questions. Det. Johnston then released him.

The surveillance video does not contain an audio component. There is no other known source of video evidence.

Det. Johnston (BR 06) testified that after the search of § 87(2)(b)'s vehicle was concluded, Sgt. Edwards decided not to arrest § 87(2)(b). Det. Johnston released § 87(2)(b). Det. Johnston denied asking § 87(2)(b) if he had a criminal record, nor did he hear any other detective do so. Det. Johnston did not remember if he asked § 87(2)(b) if he had done drugs before, but noted that this question would have been appropriate because they found syringes and capsules in the vehicle.

Sgt. Edwards (BR 13), Det. Charles (BR 09), Det. Thomas (BR 12), Det. Costello (BR 14), and Det. Surriga (BR 11) did not hear Det. Johnston question § 87(2)(b) in the manner alleged.

§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Allegation (L) Abuse of Authority: Detective Michael Johnston failed to provide § 87(2)(b) with a business card.

Allegation (M) Abuse of Authority: Detective Richard Charles failed to provide § 87(2)(b) with a business card.

Allegation (N) Abuse of Authority: Sergeant Joel Edwards failed to provide § 87(2)(b) with a business card.

Allegation (O) Abuse of Authority: Detective Wayne Costello failed to provide § 87(2)(b) with a business card.

Allegation (P) Abuse of Authority: Detective Curt Thomas failed to provide § 87(2)(b) with a business card.

It is undisputed that § 87(2)(b) did not ask officers for their business cards and that the officers did not provide their business cards to him. § 87(2)(b) was neither summonsed nor arrested. It is undisputed that the detectives were conducting a buy-and-bust operation at the incident location and that § 87(2)(b) was not a target of the operation.

Both Det. Johnston and Det. Charles, the officers who initiated this vehicle stop, stated that Det. Johnston introduced himself to § 87(2)(b) as a member of the service. Det. Johnston (BR 06) stated that he did not provide his business card to § 87(2)(b) because he offered to provide his contact information verbally to recruit § 87(2)(b) as an informant, but the latter refused. Det. Charles (BR 09) and Sgt. Edwards (BR 13) did not provide their business cards to § 87(2)(b) because they did not carry any with them at the time of the incident. They both acknowledged that they should have provided the cards to § 87(2)(b) under the given circumstances.

Det. Costello (BR 14) stated that he did not provide his business card to § 87(2)(b) and did not have to do so because he did not interact with § 87(2)(b). Det. Thomas (BR 29) also stated that he did not provide his business card to § 87(2)(b) because he did not “really” interact with him. However, both Det. Costello and Det. Thomas acknowledged searching § 87(2)(b)'s vehicle.

NYC Administrative Code 14-174(a) (BR 20), states an officer shall offer a civilian a business card at the conclusion of seven specific law enforcement activities, including noncustodial accusatory questioning and vehicle searches, if the encounter does not end with an arrest or summons.

NYC Administrative Code 14-174(e) states that an officer shall not be required to comply with this where such officer is engaged in an approved undercover activity or operation, and law enforcement activity is taken pursuant to such undercover activity or operation.

Patrol Guide Procedure 203-09 (BR 30) states that a uniformed member of the service performing duty in an undercover capacity and those officers operating in operational support of an undercover officer or a confidential informant, are exempt from providing business cards due to the sensitive nature of their assignment.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) § 87(2)(b) has been a party (BR 24)
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 25).
- Det. Michael Johnston has been a member-of-service for 12 years and has been a subject in four CCRB cases and ten allegations, none of which were substantiated. Det. Johnston's CCRB history does not reflect any pattern pertinent to this investigation.
- Det. Richard Charles has been a member-of-service for 14 years and has been a subject in 22 CCRB complaints and 62 allegations, two of which were substantiated:
 - In case no. 201901085, an allegation of abuse of authority (stop) and an allegation of force (dragged/pulled) were substantiated against Det. Charles. The CCRB recommended Command Discipline B. The NYPD has not yet imposed a penalty.
 - Det. Charles' CCRB history does not reflect any pattern pertinent to this investigation.
- Sgt. Joel Edwards has been a member-of-service for 15 years and has been a subject in five CCRB complaints and 10 allegations, none of which were substantiated. Sgt. Edwards' CCRB history does not reflect any pattern pertinent to this investigation.
- Det. Wayne Costello has been a member-of-service for 8 years and has been a subject in one CCRB complaint with a sole allegation of failure to prepare a memo book entry, which was closed as other misconduct. Det. Costello's CCRB history does not reflect any pattern pertinent to this investigation.
- Det. Curt Thomas has been a member-of-service for 16 years and has been a subject in two CCRB cases and three allegations, none of which were substantiated. Det. Thomas' CCRB history does not reflect any pattern pertinent to this investigation.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.

- According to the New York City Comptroller’s Office, a Notice of Claim has not been filed regarding this incident (BR 26).

- § 87(2)(b) [REDACTED]
[REDACTED]

Squad No.: 4

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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